



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 30 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David & Freeman Miller
D&F Lumber & Logging
836 Pike Road
Punxsutawney, Pennsylvania 15767

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Miller:

Enclosed please find an Information Requirement issued to you this date regarding the D&F Sawmill facility located at 4053 Pike Road in Punxsutawney, Pennsylvania. The United States Environmental Protection Agency (EPA) is authorized under Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. You should read the Information Requirement carefully as it provides instructions and deadlines for certain information to be provided to EPA.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

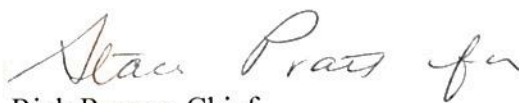
You may assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information required herein when it is received, EPA may make the information available to the public without further notice to you.

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).



Please contact Mr. Mark Zolandz of my office at (215) 814-2319 if you have any questions regarding this Information Requirement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Rogers".

Rick Rogers, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosure

cc:

Eric Kicher, PADEP
Justin Dickey, PADEP

Philadelphia, Pennsylvania 19103-2029

Respondents

Proceeding under Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

INFORMATION REQUIREMENT

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch within the Enforcement and Compliance Assurance Division. EPA hereby requires David & Freeman Miller (Respondents) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. any requirement under Section 308 of the CWA; and,

- d. carrying out Sections 305, 311, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.
4. You may, if you desire, assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. Part 2, Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information required herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. *See* C.F.R. Section 1320.3(c).

III. INSTRUCTIONS

1. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
2. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondents, as well as each person consulted in the preparation of the response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
4. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
5. If required information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, Respondents must supplement their response to EPA. Moreover, should Respondents find at any time after submission of their response that any portion is or becomes false, incomplete, or misrepresents the facts; Respondents must provide EPA with a corrected response as soon as possible.
6. All submissions provided pursuant to this Information Requirement shall be signed and dated by Respondents to include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed _____
Title _____
Date _____

7. Submit a copy of your response to the following individual:

Mr. Mark Zolandz
NPDES Section, Water Branch (3ED32)
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

IV. DEFINITIONS

8. The terms "document" and "documents" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.
9. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondents. The term "identify" with respect to a business entity means to provide that entity's name, address and relationship to Respondents, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of the entity.

V. INFORMATION REQUIREMENT

You are hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

10. Identify any and all sawmill facilities currently owned and/or operated by Respondents, and any and all sawmill facilities previously operated by Respondents since January 1, 2016. For each sawmill facility, provide the physical address of the facility, the name(s) of the property owner(s) of the facility, the name(s) of the operator(s) of the facility, dates of operation, and a map of the facility.

11. Provide any and all Notices of Intent (NOIs) for NPDES permit coverage submitted by Respondents.
12. Provide any and all current and previous NPDES permits, including PAG038339 and PAG-038339 A-1, issued to Respondents.
13. Provide any and all correspondence between Respondents and the Pennsylvania Department of Environmental Protection (PADEP), include any and all NPDES permit authorization letters from PADEP.
14. Provide any and all current and previous versions of Respondents' Preparedness, Prevention and Contingency (PPC) Plan.
15. Provide any and all Monthly Storm Water Site Inspection Forms since January 1, 2016.
16. Provide any and all NPDES Annual Reports, including the 2017 and 2018 Annual Reports.
17. Provide any and all stormwater sampling results taken since January 1, 2015.
18. Provide any and all Corrective Action Plan(s) developed by Respondents since January 1, 2016.
19. Provide any and all semiannual and annual discharge monitoring reports (DMRs) covering the time period from January 1, 2016 through December 31, 2019.
20. Provide any and all agreements between Respondents and Gould Inc.
21. Provide any and all manifests and/or document logs of the types and amounts (in tons) of wood waste removed in 2018 and in 2019 from 4053 Pike Road, Punxsutawney, Pennsylvania.
22. Provide any and all manifests and/or document logs of the types and amounts (in tons) of wood products sold in 2018 and in 2019 by Respondents.
23. Provide the names and addresses of the subcontractors who own and/or operate the sawmills at 4053 Pike Road, Punxsutawney, Pennsylvania.
24. Provide any and all agreements between Respondents and the subcontractors who own and/or operate the sawmills at 4053 Pike Road, Punxsutawney, Pennsylvania.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date:

12/30/2019



Rick Rogers, Chief
Water Branch

Enforcement and Compliance Assurance Division